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SPRING 2012

Connecting Communities
Protecting the Planet

Mining in Mongolia: Seeking Justice in the Steppes

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“The saddest part is seeing the herders leave the lands of their ancestors. They become laborers in the mines.”

Bazarsad Nanjindorj

Mongolia is the most sparsely populated country in the world. Sparse in people, but not minerals.

The government of Mongolia has issued 3,000 mining licenses, and copper, coal, gold, silver, uranium and more are expected to rise to 95% of Mongolia’s exports. A copper-and-gold mine being developed by British and Canadian companies in Oyu Tolgoi, in the middle of the Gobi Desert, is expected to account for one-third of Mongolia’s GDP by 2020. And the world’s largest untapped coal deposit, in Tavan Tolgoi, is being eyed by companies based in the U.S., Switzerland, Luxembourg, China, South Korea, Japan, Russia, and Brazil.

“The saddest part is seeing the herders leave the lands of their ancestors. They become laborers at the mines. It is very disturbing,” says Bazarsad Nanjindorj, an attorney working with the Public Interest Lawyers’ Initiative, based in the capital city, Ulaanbaatar, or “UB”.

The influx of foreign miners and other investors has turned UB into a boom town. Streets are clogged with vehicles and the air is polluted from burning coal. The World Health Organization says UB has the second worst air in the world.

The Economist reports on the logistical challenge of building one of the world’s largest copper mines in the middle of the Gobi:

“All supplies have to be brought in by road from China to the south. Some 18,000 workers, including about 10,000 Mongolians and 6,000 Chinese, have to be housed and fed. Water had to be found, and is to be piped from an underground aquifer over 32 miles away. Electricity is to be provided first from China, then by a purpose-built power plant. And local people have to be compensated, coaxed and cajoled into believing that the mine is in their interests, not just those of the foreigners running it.” (January 21, 2012)

ELAW is working closely with Bazarsad and grassroots advocates at the Centre for Human Rights and Development (CHRD) to ensure that Mongolia’s mining boom does not destroy ecosystems and the lives of nomadic herders. We are also working together to combat air pollution in UB.

“About 30% of our people live below the poverty line,” says CHRD attorney Erdenechimeg Dashdorj. “Government policy has made mining the key to economic development, but problems tied to

Herders in Bulgan Province



PHOTO: Lori Maddox. www.elaw.org

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The Environmental Law Alliance Worldwide (ELAW) helps communities speak out for clean air, clean water, and a healthy planet. We are a global alliance of attorneys, scientists and other advocates collaborating across borders to promote grassroots efforts to build a sustainable, just future.

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Mongolia (CONTINUED FROM PAGE 1)



Peter Goldman, Executive Director of the Washington Forest Law Center, meets with ELAW Fellows at his office in Seattle.

(continued from pg. 1) environmental damage and contamination is now a priority of human rights activists. We need to think about sustainable development and be responsible to future generations.”

After many mining sites were abandoned with no plans for reclamation, Mongolia’s government has begun working harder to regulate the mining industry. ELAW is working with CHRD to strengthen the environmental impact assessment process for proposed mining operations and seek justice for communities in the district of Khongor, in northern Mongolia, where soil and water poisoned by mercury and cyanide from gold mining has caused immense suffering.

ELAW Fellowships

In February, Erdenechimeg and Bazarsad traveled to Eugene for ELAW Fellowships. They worked closely with ELAW staff to strengthen their organizations, gain skills, and get the legal and scientific support they need to protect Mongolia from environmental abuses.

“Proposed changes to Mongolia’s Environmental Impact Assessment law are putting communities and ecosystems at significant risk,” says ELAW Staff Attorney Jen Gleason. “We’re helping our partners review the draft law and make sure it meets international standards.” ELAW is also helping CHRD hold polluters accountable and address concerns surrounding hydropower projects and the impact of dams on the climate.

Erdenechimeg and Bazarsad met with ELAW Board member Glenn Miller, a mining expert and Director of the Graduate Program in Environmental Sciences and

Citizens of Mongolia have the right to live in a healthy secure environment, and to be protected from environmental pollution and the loss of balance of nature.

Provision 16.1.2, Constitution of Mongolia

Health at the University of Nevada at Reno, and other experts in conserving natural resources, including Peter Goldman at the Washington Forest Law Center.

“It was motivating to meet so many people who understand our issues,” says Erdenechimeg. She joined Bazarsad at the University of Oregon’s Public Interest Environmental Law Conference and exchanged experiences with grassroots leaders from around the world.

ELAW Associate Director Lori Maddox first met Erdenechimeg in Ulaanbaatar in 2010. Lori was impressed with CHRD’s work protecting communities near Lake Hovsgol from a proposed phosphate mine. Lake Hovsgol holds almost 70% of Mongolia’s fresh water. Lori was inspired by Erdenechimeg’s commitment to empowering citizens to participate in governance. Erdenechimeg has worked with local communities for three years to ensure that the proposed phosphate mine does not contaminate this vital watershed.

“Public interest law has just evolved over the last 20 years in Mongolia – but with these advocates its roots are firmly planted. They are promising, hopeful, committed people who care deeply for their country and are working hard to protect its landscapes and people,” says Lori.

Many thanks to the Trust for Mutual Understanding for supporting ELAW’s Fellowship Program.

ELAW Partner Profile

Erdenechimeg Dashdorj

Erdenechimeg Dashdorj, also known as “Chimgee,” wants her fellow Mongolians to live in a safe and healthy environment. She was born in the southeast province of Dornogobi, where Mongolia borders China. This was the socialist era. Chimgee’s parents had been sent to this remote area by the government, to work in a village hospital. When Chimgee was two years old the family moved to Ulaanbaatar, where she was raised with three older brothers and a younger sister . . .

“My grandmother lived in the countryside and I spent my summers there. I milked cows and herded cattle. This was an unusual opportunity for a city girl.

I wanted to be a doctor like my parents and studied hard. I did well in chemistry but physics was challenging. At my father’s suggestion, I pursued law, and was pleased to find that a lawyer can treat human beings in a similar way that a doctor does.

I taught law and then got my masters at the National University of Mongolia’s law school. I prefer practical work to teaching and was pleased to be hired as Staff Attorney at the Centre for Human Rights and Development. This was in the early days of public interest law in Mongolia. I brought cases to court, but also worked to develop the practice of public interest law.

Thousands of mining sites had been abandoned without reclamation, but this was the first case brought to the court.

I manage CHRD’s Human Rights Advocacy program. We provide free legal counsel, conduct environmental litigation, and advocate for law and policy reform. We hold environmental law

training for local communities, local administrations, and lawyers. We motivate lawyers and law students to contribute to social well-being and promote the practice of public interest law.

I worked on an environmental rehabilitation case in eastern Mongolia which began as a criminal case. This was the first environmental court case related to failed environmental rehabilitation after mining. Thousands of mining sites had been abandoned without reclamation, but this was the first case brought to the court. Our aim was to hold mining companies accountable for their failure of environmental duties.

The case was dismissed by the prosecutor who said there was no official guideline to determine the economic value of the environmental damage. This motivated CHRD to push the Ministry of the Environment to develop the “Methodologies to Account Economic Cost of Environmental Damage.” The Ministry adopted these guidelines in 2008. This was a major accomplishment.”



COLLABORATING ACROSS BORDERS

Russia and Mongolia

Lake Baikal in southern Siberia lies in a geologically unique rift in the earth’s crust formed at least 20 million years ago. More than 300 streams and rivers feed the lake, which is home to 1,500 species, two-thirds of them unique, including the Baikal seal. It is the largest lake in the world and holds roughly 20% of the world’s unfrozen fresh water.

The Selenge River drains a large part of Mongolia and flows into Baikal, so citizens of both countries must work together to protect this watershed.

Unfortunately, mining, hydroelectric dams, and climate change endanger this unique watershed, on both sides of the border.

ELAW is building collaboration between grassroots advocates working to protect this watershed. Sergey Shapkhaev and Elena Chernobrovkina from the Buryat Regional Organization for Lake Baikal, based in Ulan-Ude, Russia, traveled to Eugene for ELAW Fellowships in February. They were joined by ELAW Fellows from Ulaanbaatar, Mongolia: Erdenechimeg “Chimgee”

Dashdorj from the Center for Human Rights and Development and Bazarsad Nanjindorj from the recently launched Public Interest lawyers’ Initiative. (Read about Chimgee and Bazarsad on pp. 1-3)

This was the first time these ELAW partners from Russia and Mongolia had met. They worked closely with each other and ELAW staff to identify critical issues facing the watershed. They helped create a detailed map of the watershed and identified key threats. Proposed mining and dams could devastate ecosystems in this region, and ELAW partners want to make sure citizens are able to participate in decisions about their future.

The visiting Fellows met with ELAW Board member William Jaeger, a professor in the Department of Agricultural and Resource Economics at Oregon State, and an extension agricultural and resource policy specialist. They also met with Adell Amos, an Associate Dean at the University of Oregon School of Law and former Deputy Solicitor for Land and Water Resources in the Department of the Interior, and with ELAW Board



Protecting the Baikal-Selenga Watershed

“I met knowledgeable, open, interesting, supportive, highly professional people. Thanks for a great and productive time in Oregon!”

Elena Chernobrovkina



The Baikal seal is remarkable for being the only pinniped that is restricted solely to a freshwater habitat.



Elena Chernobrovkina at Lake Baikal.

member Glenn Miller, a mining expert and Director of the Graduate Program in Environmental Sciences and Health at the University of Nevada at Reno.

Sergey, the Director of the Buryat Regional Organization for Lake Baikal, is a scientist with expertise in geophysics and oceanography. He and Elena met with ELAW's science team and talked about impacts of the changing climate on the region and how people will adapt to the changes. Scientists report that climate change already is bringing increased precipitation to the region, which is increasing river flows. Increased flows alter the impacts of existing and proposed dams, so Sergey wants to ensure that plans to build and operate dams consider the impacts of the changing climate.

Elena received a masters in natural resources from Cornell in 2003. She is pursuing a law degree at Buryat State University and serves as Buryat Regional Organization's International Program Director.

Elena and Sergey want to ensure that citizens in the Baikal region can speak out to protect Lake Baikal. They want to collaborate with colleagues in Mongolia and help communities participate in decisions about their future.

We look forward to continued collaboration with ELAW partners from Russia and Mongolia!



Centre for
Human Rights and
Development

The **Centre for Human Rights and Development** (CHRD) was established in 1998 by human rights activists and lawyers in Mongolia working to protect human rights and advance social justice. CHRD combats human trafficking and defends the rights of communities suffering from environmental abuses.

Mongolian law now prohibits mineral exploration and mining operations at the headwaters of rivers, and in protected areas near reservoirs and forests. CHRD is calling on the government to enforce this law.

CHRD holds workshops and produces educational materials to help citizens understand their rights and participate in the decision making process around mining. CHRD provides free legal counsel, advocates for law and policy reform, and strengthens the practice of public interest law in Mongolia.

Haiti: International Collaboration to Protect Natural Resources

“My ELAW Fellowship was a serum which has heartened me to work at full blast to improve the environmental situation in Haiti. I am very grateful for the worldwide solidarity.”

Rolès Théard



Back row, left to right: Elena Chernobrovkina (Russia), Rolès Théard (Haiti), Glenn Miller (U.S.), Erdenechimeg Dashdorj (Mongolia), Bazarsad Nanjindorj (Mongolia). Front row: Sergey Shapkaev (Russia).

Most of Haiti’s forests have been cut, and flooding and soil erosion are massive problems. Reviving Haiti’s forests and agricultural lands may seem daunting, but not to ELAW partner Rolès Théard.

Rolès recently traveled to Eugene for an ELAW Fellowship, to build skills and share ideas and expertise with grassroots advocates from Russia, Mongolia, Guatemala, and around the world.

Rolès is working on his second career. As an agronomist, he worked on conserving soil and improving local food production. As a lawyer, he is forging ties between sustainable agriculture, healthy communities, and the rule of law.

His career path is similar to that of Jean André Victor, another Haitian agronomist turned lawyer who has joined Rolès in launching l’Association Haitienne de Droit de l’Environnement (Haitian Association of Environmental Law – AHDEN).

AHDEN is working with traditional farming communities in Haiti to strengthen sustainable agriculture and protect traditional cultural resources. Rolès and Jean André work with several other Haitian attorneys who volunteer their time with AHDEN.

Jen Gleason, ELAW Staff Attorney, has traveled to Haiti and is impressed with AHDEN’s community

workshops. “Not only are AHDEN lawyers working with communities to protect the environment, but they are mentoring the next generation of lawyers and helping them understand the importance of working with civil society to give communities a strong voice in decisions that impact the environment,” says Jen.

Rolès arrived in Eugene in late February for a three-week ELAW Fellowship. He met with visiting ELAW Fellows from Mongolia, Russia, and Guatemala. ELAW Fellows participated in the University of Oregon’s 2012 Public Interest Environmental Law Conference and worked with ELAW lawyers and scientists. They visited federal courts, met with experts in water law, climate change, and forestry, including University of Oregon professor Adell Amos and staff at the Washington Forest Law Center, and explored Oregon’s coast and forests.

ELAW designs each Fellowship to meet the needs of the visiting advocate. ELAW staff gave Rolès a crash course in using Drupal software to manage AHDEN’s website, which ELAW helped launch last year.

Many thanks to the John D. and Catherine T. MacArthur Foundation for supporting ELAW’s work protecting biodiversity in the Caribbean.

Guatemala: Defending Indigenous Communities

“Respect for individual human rights and the collective rights of indigenous communities is the best path for achieving an inclusive society, respectful of differences, and protection of our mother earth.”

Lucia Xiloj

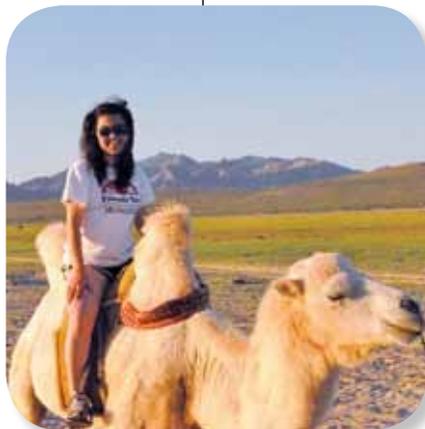


Lucia Xiloj (right) meets with community members.

ELAW Partner Lucia Xiloj is helping communities in Guatemala challenge human rights abuses and protect indigenous cultures and territories from large scale extractive industries, such as gold mining, and hydroelectric dams.

Lucia is a K’iche’ attorney who leads the Human Rights Program at the Rigoberta Menchú Tum

Foundation in Guatemala. She was recently in Eugene as a keynote speaker and panelist at the Public Interest Environmental Law Conference at the University of Oregon School of Law. While at the conference, she was connected with tribal members in the U.S. who face similar challenges as the K’iche’ and other indigenous groups in Guatemala.



Thank You ELAW Volunteers

Bolormaa Enkhbat (left) provides interpretation for ELAW Fellows from Mongolia. She will graduate this year from the University of Oregon. **Sandra Baldwin** (right) has volunteered for nearly one year. Her Spanish/English translation improves collaboration between ELAW advocates around the world.



Volunteers increase ELAW’s impact by contributing hundreds of hours of service every year.

Many thanks to everyone who has volunteered this past year:

Jake Abrahams | Kenyon Acton | Maddie Allen | Andy Alm | Sandra Baldwin | Tyler Barrett | Dan Beltramo | Matias Bervejillo | Kate Blackstone
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Environmental
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Phone: (541) 687-8454 Fax: (541) 687-0535 E-mail: elawus@elaw.org Web: www.elaw.org

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“I am thrilled to support ELAW every month. It is easy and convenient, and I feel great knowing I help protect communities and wild lands around the world.”

Rebecca Noblin
Anchorage, Alaska

Steady support allows ELAW to provide its partners with the legal and scientific support they need, when they need it. To start your monthly payments, please contact **Michele Kuhnle** at michele@elaw.org or **541-687-8454 x14** or visit our website: www.elaw.org/give



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